

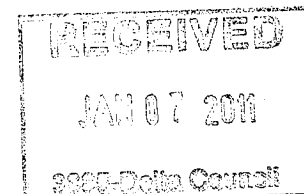
CENTRAL VALLEY FLOOD PROTECTION BOARD

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January 4, 2011

Ms. Terry Macaulay
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814



Subject: Response to the Notice of Preparation for the Delta Plan Draft Environmental Impact Report (DEIR) SCH Number: 2010122028

Dear Ms. Macaulay:

Staff of the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The Central Valley Flood Protection Board (Board) is responsible for flood safety within the California Central Valley and maintains the integrity of the existing flood control system and designated floodways through the Board's regulatory authority by issuing permits for encroachments and partnering with the U.S. Army Corps of Engineers to build, repair and strengthen flood control facilities. Development projects within the jurisdiction of the Board are required to meet standards for the construction, maintenance, and protection of adopted plans of flood control that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley and the Delta, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2). Working with the Delta Stewardship Council (Council) early in the process for the Delta Plan DEIR will help identify and mitigate potential adverse impacts to the flood control system.

In developing the Delta Plan, the Council has broad authority to address issues critical to the Delta, including ecosystem and fishery restoration, agricultural land preservation, economic development, recreation, and flood management. Regional conservation planning within the Delta has increased the need to balance projects addressing these issues without adversely impacting levee integrity and the Board's flowage easements within the flood control system.

According to the Notice of Preparation (NOP) p. 7 "Under the Act, the Delta Plan must be a legally enforceable, comprehensive, long-term management plan for the Delta (Water Code sections 85059, 85001(c), 85022(a), 85300, 85302). The primary and fundamental purpose of the Delta Plan is to meet the coequal goals and other inherent subgoals and policies defined in the Act, which in turn, will assist in determination of consistency for the state/local agency covered actions related to the Delta."

Projects considered in the Delta Plan and within the Board's jurisdiction are subject to the Board's authority under Water Code Section 8608 which states "The board shall establish and enforce standards for the maintenance and operation of levees, channels, and other flood control works of an authorized project or an adopted plan, including but not limited to standards for encroachment, construction, vegetation and erosion control measures. In adopting such standards, the board shall give full consideration to fish and wildlife, recreation and environmental factors. Any violation of such adopted standards without the permission of the

board is a public nuisance, and the board may commence and maintain suit in the name of the people of the state for the prevention or abatement of the nuisance."

The Delta Plan strategies should consider impacts to the flood control system when considering future projects and potential alternatives including the following:

- Structural Integrity Impacts - Projects proposed in the Delta Plan should include engineering solutions for mitigating impacts to the structural integrity of the levees, and other structures within the State Plan of Flood Control.
- Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. Projects proposed in the Delta Plan should include mitigation measures for channel and levee improvements, and maintenance to prevent and/or reduce hydraulic impacts.
- Long Term Vegetation Management - Sediment accumulation has resulted in the establishment of woody vegetation within the Delta channels. Woody vegetation growth that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the control of vegetative growth may be subject to environmental constraints.

Projects proposed in the Delta Plan should include vegetation maintenance plans and funding for maintaining agencies responsible for managing desirable habitat without unduly compromising channel capacity. Vegetation management within the flood control system is difficult due to the potential to contaminate surface water resulting from herbicide applications. State and local maintaining agencies responsible for vegetation management are subject to significant increases in maintenance costs when implementing vegetation control measures.

A Board permit is required prior to starting work within the Board's jurisdiction for the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal, of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6).

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>.

If you have any questions, please contact Dan Fua, Supervising Engineer, at (916) 574-0698, or via email at Dfua@water.ca.gov, or James Herota, Staff Environmental Scientist at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



Jay S. Punia
Executive Officer

cc: Governor's Office of Planning and Research
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